

MINUTES

RANDOLPH COUNTY PLANNING BOARD

September 9, 2003

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, September 9, 2003, in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. **Chairman Maxton McDowell** called to order the Randolph County Planning Board meeting at 6:30 p.m.
2. **Hal Johnson**, Planning Director, called roll of the members: Maxton McDowell, Chairman, present; Bill Dorsett, Vice Chairman, present; Lynden Craven, present; Larry Brown, absent; Phil Ridge, present; and Chris McLeod, present.
3. **Craven** made the motion, seconded by **Dorsett**, to approve the minutes of the August 5, 2003, Randolph County Planning Board meeting. The motion passed unanimously.

4. REQUEST FOR PROPERTY REZONING:

- A. **LARRY MCKENZIE**, Asheboro, North Carolina, is requesting that 1.16 acres located on US Hwy 64 East (just before Rocky Knoll Road), Pond View Subdivision, lot #1, Franklinville Township, be rezoned from CVOM-CU to HC. Parcel ID #7771793435. It is the desire of the applicant to use the property for commercial development.

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommend to the County Planning Board that this request be denied. Because the property was recently rezoned CVOM-CU for a major residential subdivision, the staff feels it would not be appropriate to zone a small lot within this residential subdivision for a general Highway Commercial district. The committee felt it would be more appropriate for the property to be zoned with a conditional use district.

Chad Branson, 1139 Bunting Road, said that they want to use the house for office space and they also plan to place a billboard on the west side of the property. **Johnson** asked about the current use of the existing house, and **Branson** said that the home is being rented as a single-family residence. **Johnson** explained that if the property is zoned commercial there could not be a billboard within 1000 ft. of this proposed sign. **Ridge** asked what size the sign would be, and **Branson** answered that it would be approximately 300 sq. ft. **Ridge** asked what type of business would be in the house, and **Branson** answered that it would be a small business like an insurance office.

There was no one present in opposition to this request.

McLeod said he felt this type of development would blend into the area. **McLeod** made the motion, seconded by **Craven**, to recommend to the Commissioners that this request be approved. The motion passed unanimously.

- B. **SAVE THE MONTAGNARD PEOPLE INC.**, Star, North Carolina, is requesting that approximately 100.93 acres located at 4836 Waynick Meadow Road, Concord Township, be rezoned from Residential Agricultural to Residential Agricultural/Conditional Use. Parcel ID#'s 7618332850 and 7618442243. The proposed Conditional Use Permit would specifically allow a

Planned Unit Development of a camping facility and museum/cultural center with related structures and activities as per site plan.

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommend to the County Planning Board that this request be approved.

Hal Johnson advised the Board that this request had originally been submitted as a Special Use Permit application. Johnson said because of the unique nature of the request, he felt the decision should be made by an elected board.

Maxton McDowell removed himself from this request due to a conflict of interest.

Mark Comfort, 3994 Bethany Church Road, discussed the bond between the Montagnard people and the American people. Comfort explained the Randolph County land will give these people a fresh start. Comfort introduced those present to speak in favor of this request.

Colonel David "Bulldog" Smith, 2914 Tall Cedar Lane, Trinity, said that he served as a commander in Vietnam commanding over 600 Montagnards. Smith said this Country promised the Montagnards that we would take care of them and then left them after the war. Smith said that he, along with other veterans, formed an organization called STMP (Save the Montagnard People) to help settle the Montagnards in the United States. Smith said that the Montagnards have settled across this state.

Y'Siu Hlang, 2819 Palm Road, Greensboro, said that he is here on behalf of his people. Hlang said that after the Vietnam War they spent 12 years fighting in the jungle. Hlang said with this permit they can preserve their special culture and heritage.

George Clark, 9005 Erect Road, said that these are Christian people. Clark said that there are no more Christian churches in Vietnam. Clark said that five Christian pastors have been crucified. Clark said that they just closed on the purchase of this property today. Clark said that this property would allow for a camping facility that could also be used by groups like the Boy Scouts. Clark reviewed the structures they propose to build. Clark discussed the military artifacts that would be housed in the museum/cultural center. Clark said that they have had contact with the Building Inspections Department and Environmental Health Department. Clark discussed the restoration of the existing house and also the primitive farming plans. Clark said that N.C. State University wants to include this farming project in their programs. Clark said this facility would allow the Montagnards to preserve their heritage. Clark said they plan to save all the old farming buildings on the property. Clark said this is for Americans to see how Christians lived in other countries. Clark said there are many people in Randolph County who have donated monies to make this opportunity possible. Clark said that there are many people that want to work and make this project possible, but the Montagnards want to do all the development themselves. Clark said that these people made it possible for several Americans to return home from the Vietnam War. Clark explained that they originally purchased 10 acres and have since purchased an additional 90 acres. Dorsett asked what use would be made of the proposed 60' x 40', home and Clark answered that it would be used for a single-family residence. Clark said that a mobile home will be placed on the property for the caretaker. Clark explained that the property will be used for the Montagnard people to make money for their organization (STMP). Johnson asked what would be the average number of people visiting the site (on a regular basis) and Clark answered that there would be a couple of hundred people once a month. Clark said that twice a year there would be 1200 to 3000 people in attendance.

Comfort said that these men have donated many years and dollars to the STMP Organization. Comfort said this is the only project of its kind in the world. Comfort said that they have had extensive meetings with Planning, Environmental Health, and Building Inspection employees to insure that this project is done correctly with all the appropriate permits. Comfort said that this

project will stand as one of the major assets of Randolph County in line with the N.C. Zoo and the Victory Junction Gang Camp. Comfort said that this project will meet or exceed all County, State and Federal requirements. Comfort said that some people have expressed their opposition with acts of vandalism, acts of mischief, and acts of violence.

There were 44 people present in favor of this request.

Steve Coleman, 4371 Willow Grove Trail, said that there is not a lot to add as to why this request should be approved. Coleman said that he lives within a mile of this site and said the traffic does increase during their special events but not so much that the roads cannot handle it. Coleman said that the people are always courteous and keep the place clean. Coleman said that a day after any of their special events the property is always clean.

Carolyn Sigfrinius, adjoining property owner, said that she is not opposed to this organization or project, but she is opposed to where this facility is being planned. Sigfrinius said that the property has no state road frontage, with only a 50' private drive easement. Sigfrinius said that according to the Attorney General's Office and Hal Johnson this type of easement is not for public access. Sigfrinius said that several of the buildings are commercial in nature and would not conform with their farming community. Sigfrinius said there may be some environmental issues allowing camping in a flood zone. Sigfrinius said she didn't understand how they could have multiple homes on this property without any road frontage. Sigfrinius said there has been a lot of controversy with this organization and the community. Sigfrinius said that Zoning issued a permit to allow this property to be used for one gathering each year. Sigfrinius said that they held two gatherings in a year. Sigfrinius described many discussions she had with Randle Brim, Zoning Code Enforcement Officer, of many violations and said he has done nothing to correct these problems. Sigfrinius said that the Montagnards cleared trees and placed the brush on their property line. Sigfrinius said that this created a breeding ground for varmints that could create danger for their farm animals. Sigfrinius said that she reported this to the Zoning Department and received no response. Sigfrinius discussed the sign posted on the property as too large for the residential zoning district. Sigfrinius said she realized Zoning does their job in other areas of the county, but Zoning seems to just ignore this community. Sigfrinius said that these people have called the Sheriff's Department eight times for several different reasons, such as people shooting. Sigfrinius said that her grandson was dove hunting in her pasture on Labor Day and the shot landed on a building. The deputy sheriff told them that this happens all the time on Labor Day. Sigfrinius said that after the deputy went to speak with the Montagnard people, two detectives visited her home and told her that the Sheriff sent word for her to not be causing problems for these people. Sigfrinius discussed several neighbor quarrels between her family and the Montagnard people. Sigfrinius said that Waynick Meadow Road is a small, local road and is not built to handle this much traffic. Sigfrinius said this is a wonderful project but is in the wrong area. Sigfrinius said this type of development would be more suited in the Zoning district around the N.C. Zoo.

Carrie Meekins, 4828 Waynick Meadow Road, said that they chose to move here to be in farm country. Meekins said she has come home several times to a yard full of deputy sheriff cars. Meekins said that these people have made racial remarks and violent threats to her family. Meekins said that she has been paying on this place for 10 years and wants to live in peace and quiet. Meekins said that the applicants came into this community and stuffed this activity down their throats. Meekins said that if they had tried to work with the neighbors, maybe things would have been different. Meekins said that she is afraid of these people.

Steve Graves, 4827 Waynick Meadow Road, said that when the major events occur the buses clog the roads. Graves said that they purchased their home to live in farm country and to have a peaceful way of life. Graves said that the roads were not built to handle this type of traffic. Graves talked about several roads in the area that are graveled. Graves said that these activities have created chaos in the community.

Larry McPherson, 4658 Waynick Meadow Road, said that his home is approximately 3/4 mile from this location. McPherson said that he has heard the noise during these events. McPherson said he felt to allow this activity would reduce the property values in the area. McPherson said that

if this is approved there will be several more events each year. McPherson said that if the Board decides to approve the request, a buffer zone should be required of 250 ft. around the property. McPherson said that these buildings should not be placed on someone's doorstep.

Laneta Walker, 5104 Firefighter Road, said that she grew up on Waynick Meadow Road and said that she didn't want to see "country living" go away. Walker described incidents of the Montagnard people driving erratically. Walker said that she is concerned for their children's safety. Walker said that she realized that they want to protect their heritage, but they also need to respect our heritage. **Dorsett** asked **Walker** how far she lived from the site, and Walker answered 2 or 3 miles.

Tim Baldwin, 4790 Waynick Meadow Road, said that he agrees with his neighbors. Baldwin said he just purchased a new house and if he had known this was coming, he would not have purchased a home in this community.

Sherry Morris, 4784 Waynick Meadow Road, said that the Montagnards park along the road and private drive easement during these special events. Morris presented pictures of this parking. Morris also discussed the many neighbor quarrels. Morris asked what is to keep the Montagnards off their property and how the Board plans to protect them. Morris talked about several members that own large tracts of land in other parts of the county. Morris said that these members are not trying to put this in their own backyards.

Iva Brady, 5973 Waynick Meadow Road, said that she is worried about how this will affect Farmer. Brady said that this is a traffic problem. Brady said that she is a Christian and is not against these people. Brady said that she felt these were good people and this country should do something for them. Brady said she just felt this was the wrong place. Brady said that they have to worry about riding their horse now because of traffic problems. Brady said that when she hears the sirens she begins praying. Brady said she loves these people for what they have done for this country. Brady said that they are not fighting these people; they are fighting for Farmer. Brady said that they just want to keep Farmer and the culture they have in Farmer.

16 people were present in opposition to this request.

Mark Comfort said that the Montagnard people want to establish this facility to remember their heritage and live their agricultural life. Comfort said that their agricultural ventures will not threaten this community. Comfort said these are responsible people and good neighbors. Comfort said that he felt the County Planning and Zoning Department had been responsive to the issues mentioned by the neighbors. Comfort said the neighbors probably did not like the answers they received from County agencies when it was not in agreement with them. Comfort said that the increase in traffic will not be constant and the Montagnards have no control over all the increased traffic. Comfort said that committing malicious acts against the Montagnards is not being a good neighbor.

Dorsett asked the Board not to make their decision based on a humanitarian effort; that the Board is required to make their decision based on land use compatibility.

Johnson spoke to the Board about an obvious issue of the relationship of how close this is to the adjoining property. Johnson said the existing picnic shelter and bathrooms had been located in close proximity to the adjoining Sigfrinius property. The Sigfrinius barns and animals were the first things a visitor to the STMP (Save the Montagnard People) property noticed upon entering the site. Johnson said there was a need to establish an undisturbed natural buffer and fence between any development on the STMP property and the Sigfrinius property.

Dorsett said that several points were raised. Dorsett said that he felt a buffer and a fence would be a good condition. Dorsett said that he did think that some people in the community fear for their safety.

McLeod asked about the use of the easement. **Johnson** said the 50 ft. right of access easement was established between the two property owners. If the Conditional Use rezoning is approved, this amount of easement would be sufficient because no major subdivision development was proposed.

Dorsett asked if there were any parking issues along this easement. **Johnson** answered not as long as the property owner agreed for the property to be used in this manner.

Ridge made the motion to recommend to the Commissioners that this request be approved with the condition that the Planning staff work with the applicants to establish an appropriate fence and buffer along the property line. **Craven** agreed and seconded this motion. The motion passed unanimously.

5. **Swearing in of the Witnesses for the Special Use Permit Requests:**

"Do you swear or affirm that the information you are about to give is the truth, the whole truth, and nothing but the truth, so help you God."

10 citizens took this oath.

6. **REQUESTS FOR A SPECIAL USE PERMIT:**

- A. **DANNY CARROLL**, Trinity, North Carolina, is requesting a Special Use Permit to obtain a firearms license at his residence (no firing range). Location: 4912 Hoover Hill Road; 10 acres; Parcel ID #7725070877; Zoning District RA.

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommend to the County Planning Board that this request be approved.

Carroll was present and explained that he has had a Federal Firearms License for the past 8 years. Carroll said that he has sold only 65-70 guns during this time. Carroll said that he only uses the license to purchase guns for himself and is not an active dealer of guns. Carroll said that he has talked with several of his neighbors (Hills, Fulton, Simpsons, etc.) that are not opposed to him obtaining this permit. Carroll said that this is only a hobby. Carroll said that he does not operate a business at this property. Carroll said that if he keeps guns for sale he is required to have a gun safe. Carroll said that this would only be transferring his license from his current residence to this new residence.

Johnson asked if he was operating a boat sales business, and **Carroll** answered no.

McDowell asked about the ownership of the property, and **Carroll** said he bought the property but it is in his mother's name.

McDowell asked why he needed the license, and **Carroll** answered that the license is for his hobby. Carroll said that he does not keep a stock of guns.

McDowell asked what is required by the Federal government to issue a firearms license. **Carroll** said that every 3 years he is fingerprinted, photographed, and pays a \$90 fee. Carroll said that destructive weapons permits cost \$300, but he does not deal in destructive weapons.

Ridge asked if he would have a sign and **Carroll** answered no.

Ricky Bevin, 5847 Hoover Hill Road, said that he is concerned with the future use of the property. Bevin said that there are boats being stored and he is repairing boats on the property now. Bevin said the property is being used commercially. Bevin said that there is a sign advertising his business on the property at this time. Bevin said there are 15 to 16 boats behind the residence, and they are not the property owner's. Bevin said that there is a shooting range on the property currently. Bevin said that this permit will give him permission to sell guns to anyone. Bevin said that the ATF has to assume that there is a retail business when issuing these licenses. Bevin said the ATF discourages this type of use of a permit in a residential neighborhood. Bevin presented pictures of the advertising sign and the boat storage on the property.

Dean Spinks, 5239 Elm Avenue, said that Bevin is his son-in-law. Spinks said that the County's Ordinance does not permit this type of land use by a Special Use Permit. Spinks said the ATF doesn't really want these businesses in residential neighborhoods. Spinks said that the ATF is leaving this to the local authority to insure the use would be appropriate. Spinks said this use would not be appropriate in this area. Spinks said he didn't know how the County would police the property to prevent a firing range. Spinks said that the County did deny the property for rezoning for a boat sales business and picture evidences shows the property is being used in this manner.

Todd Harrison, 4241 Hoover Hill Road, said that Carroll is currently misusing the property and he didn't feel the County should permit this use. Harrison said that this property adjoins their residential subdivision. Harrison said that there are several children in their community and this type of business could create a tragic accident. Harrison said that the man told the Board that there is no sign on the property and Bevin presented them with a picture of a sign on the property.

Kyle Siler, 4854 Hoover Hill Road, said that he drives by this every day and there are several cars and boats on the property. Siler said that when the leaves are off the trees you can see 35 or 40 cars being stored on the property. Siler said that there have been several loads of dirt on the property to shoot into because they were shooting toward Siler's home. Siler said that a firearms business should be in the city and not in a residential neighborhood.

Patricia Siler, 4854 Hoover Hill Road, said that Carroll has been using their driveway to access the back of his property with the boat storage. Siler said that he doesn't have permission to use their driveway. Siler said that Carroll moved the sign that was advertising this meeting to make it less visible.

Dorsett said he saw pictures of several boats on the property. Dorsett said that the boats and signs should be required to be moved.

Dorsett made the motion, seconded by **Craven**, to deny this request for a Special Use Permit. The motion passed unanimously.

- B. **GARY MCKENZIE**, Seagrove, North Carolina, is requesting a Special Use Permit for a planned rural development to allow a second residence for a family member. Location: 5745 Picketts Mill Road; 7.13 acres; Parcel ID #8606160180; Brower Township; Zoning District RA.

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommend to the County Planning Board that this request be approved.

McKenzie was present and explained their intentions to move his wife's parents to the property. McKenzie said that they want them near so they can take care of them.

Johnson told McKenzie that if they installed an additional well for this residence they would need to keep the well 100 ft. from the property line.

Benard Beck, 7050 Erect Road, said that he is not in opposition but he did want the Board to know that he owns a working farming adjoining this property. Beck said that he uses this part of his property to spread chicken litter.

There was no one present in opposition to this request.

Craven made the motion, seconded by **Ridge**, to **approve** this request for a Special Use Permit with the condition of the well setback of 100 ft. from the adjoining property. The motion passed unanimously.

7. The meeting adjourned at 9:09 p.m. There were 90 citizens present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

Hal Johnson, Planning Director

Jill Wood, Clerk to the Board